

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:18-cv-00024-MR**

METROPOLITAN LIFE)
INSURANCE COMPANY,)
Plaintiff and Stakeholder in)
Interpleader,)
v.)
WENDALL BEZANSON, CATHY)
SUMMERFIELD and PAMELA)
HEARD,)
Defendants and Claimants)
in Interpleader.)

CATHY SUMMERFIELD and)
PAMELA HEARD,)
Crossclaim Plaintiffs,)
v.)
WENDALL BEZANSON,)
Crossclaim Defendant.)

WENDALL BEZANSON,)
Crossclaim Plaintiff,)
v.)
CATHY SUMMERFIELD and)
PAMELA HEARD,)
Crossclaim Defendants.)

ORDER

THIS MATTER comes before the Court upon the Joint Motion to Release Funds and Stipulation of Dismissal [Doc. 33].

The remaining parties to this action, Wendall Bezanson, Pamela Heard and Cathy Summerfield, by and through their counsel, jointly move for entry of an Order to distribute the life insurance policy proceeds of \$17,607.88, together with any subsequently accumulated interest, which were deposited with the Court by the Plaintiff Metropolitan Life Insurance Company (“MetLife”) on February 27, 2018. Those funds were deposited upon the motion of MetLife [Doc. 5] and this Court’s Order of February 14, 2018 [Doc. 8].

Upon joinder of the issues, the Defendant Cathy Summerfield, proceeding *pro se*, opted to participate in the Pro Se Assistance Program (“PSAP”). On May 29, 2018, the Court entered an Order deferring entry of a Pretrial Order and Case Management Plan and directing the parties to proceed with mediation through the PSAP. [Doc. 25]. On July 24, 2018, attorney Mark C. Kurdys was appointed to serve as PSAP counsel for Summerfield. [Doc. 30].

The parties designated Clifford C. Marshall, Jr. as mediator on August 15, 2018. The parties and Mr. Marshall agreed that his fees as mediator would be paid from the funds deposited by MetLife and held by the Clerk upon motion by the parties after the mediator’s report of mediation was filed. [Doc. 31]. On September 25, 2018, Mr. Marshall filed a Certification of

Mediation Session, indicating that a mediation had been conducted and that the case was completely settled.

In light of their settlement, the parties now jointly move for distribution of the funds on deposit in this matter as follows:

1. To Marshall, Roth & Gregory, P.C., P.O. Box 769, Asheville, NC 28802 , TIN 81-0660787 for the mediator services of Clifford C. Marshall, Jr. in connection with this matter: **\$525.00**
2. To Wendall Bezanson, payable to Campbell Shatley, PLLC Trust Account (Memo: Wendall Bezanson), Campbell Shatley, PLLC, 674 Merrimon Ave., Suite 210, Asheville, NC 28804 (TIN# 27-0222818), one half of the funds, including accumulated interest, remaining on deposit after deduction for payment to Marshall Roth & Gregory, P.C. and any service fee.
3. To Pamela Heard, payable to Strauss Attorneys, PLLC Trust Account (Memo: Pamela Heard), Strauss Attorneys, PLLC, 77 Central Ave., Suite F, Asheville, NC 28801 (TIN# 56-1980197) one half of the funds, including accumulated interest, remaining on deposit after deduction for payment to Marshall Roth & Gregory, P.C. and any service fee.

These moving parties, through their counsel of record and/or court appointed PSAP counsel, as applicable, further stipulate and request that all remaining claims, cross-claims and /or counter-claims of the parties be dismissed with prejudice after distribution of the funds has been ordered and accomplished, with each party to bear their own costs.

For the reasons stated by the parties, and for cause shown,

IT IS, THEREFORE, ORDERED that the parties' Joint Motion [Doc. 33] is **GRANTED**, and the funds on deposit in this matter, including all accumulated interest, shall be distributed by the Clerk and mailed to the distributees as follows:

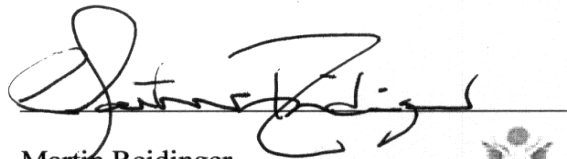
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3. To Pamela Heard payable to Strauss Attorneys, PLLC Trust Account (Memo: Pamela Heard), Strauss Attorneys, PLLC, 77 Central Ave., Suite F, Asheville, NC 28801 (TIN# 56-1980197) one half of the funds remaining on deposit, including accumulated interest after deduction for payment to Marshall Roth & Gregory, P.C., and less the Clerk's service fee. The Clerk is authorized and directed to perform that calculation.

IT IS FURTHER ORDERED that the cross-claims, counter-claims and any other claims or actions between the parties are **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed: November 7, 2018


Martin Reidinger
United States District Judge

